

HOUSE BILL 909

L3

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By: **Delegates Reznik, Afzali, Barkley, Clagett, Donoghue, Elliott, Frick, Gilchrist, Guzzone, Hogan, Howard, Kaiser, A. Kelly, Luedtke, A. Miller, Pendergrass, S. Robinson, Simmons, and F. Turner**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Political Subdivisions – Legal Notice Requirements – Posting on Web Sites**

3 FOR the purpose of authorizing a county or municipality to satisfy a requirement to
4 publish legal notices in a newspaper of general circulation by posting the notices
5 on its Web site; requiring notices posted on a county or municipality Web site to
6 be displayed conspicuously and easily accessible; requiring a county or
7 municipality that chooses to post notices on the Internet to publish certain
8 advance notice in a newspaper of general circulation in the county or
9 municipality and to offer a certain mail service to provide paper copies of
10 notices; requiring the mail service to provide paper copies of notices posted to
11 the county's or municipality's Web site; providing that the mail subscription
12 shall be valid for a certain period of time and may be renewed; requiring a
13 county or municipality to provide information about the mail service on its Web
14 site and in certain notices; requiring a county or municipality to maintain paper
15 copies of notices posted on its Web site and to make the copies available to the
16 public; requiring a county or municipality to maintain an affidavit stating
17 certain information about the posting of a notice on its Web site; providing that
18 the affidavit is not required to be notarized; providing that certain taxing
19 authorities may meet certain notice requirements relating to real property tax
20 rates by providing certain information to the State Department of Assessments
21 and Taxation regarding the taxing authority's Web site and by posting certain
22 information on the Web site; and generally relating to publication of legal
23 notices by counties and municipalities.

24 BY adding to

25 Article 24 – Political Subdivisions – Miscellaneous Provisions
26 Section 1–112
27 Annotated Code of Maryland
28 (2005 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Tax – Property
3 Section 6–308(b)(2) and (c)
4 Annotated Code of Maryland
5 (2007 Replacement Volume and 2010 Supplement)

6 Preamble

7 WHEREAS, There has been a steady decline in newspaper readership in the
8 past several decades, while at the same time there has been a significant increase in
9 the number of households with access to the Internet; and

10 WHEREAS, Baltimore City, the 23 counties in Maryland, and many
11 municipalities maintain official government Web sites that are accessible to the public
12 24 hours a day; and

13 WHEREAS, Many legal notices published solely in newspapers go unread and
14 unnoticed by the public because casual newspaper readers generally do not read the
15 legal notice section but instead follow local government issues through the Internet;
16 and

17 WHEREAS, Allowing the publication of legal notices on official government
18 Web sites, while still giving the option to receive notice by mail, will make those
19 notices more easily accessible to a greater number of people, thereby promoting
20 increased public participation in government; and

21 WHEREAS, Like the State, many political subdivisions in Maryland will face
22 significant fiscal challenges for fiscal year 2012, including static or declining property
23 tax revenues, a 62% decrease in State aid from fiscal year 2007 levels (back to the
24 appropriate funding levels in 1984), and potentially significant new federal and State
25 mandates; and

26 WHEREAS, Every dollar spent on publishing legal notices in newspapers places
27 further stress on local budgets, and the counties and Baltimore City can save millions
28 annually if they were to publish via the Internet; now, therefore,

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
30 MARYLAND, That the Laws of Maryland read as follows:

31 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

32 **1–112.**

33 **(A) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A COUNTY OR**
34 **MUNICIPALITY MAY SATISFY A REQUIREMENT IN THE CODE TO PUBLISH LEGAL**

1 NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION BY POSTING THE LEGAL
2 NOTICE ON THE COUNTY'S OR MUNICIPALITY'S WEB SITE.

3 (2) LEGAL NOTICES POSTED ON A COUNTY'S OR MUNICIPALITY'S
4 WEB SITE SHALL BE DISPLAYED CONSPICUOUSLY AND EASILY ACCESSIBLE TO
5 THE GENERAL PUBLIC.

6 (3) A COUNTY OR MUNICIPALITY MAY USE THE
7 INTERNET-POSTING OPTION FOR ANY ACTION, INCLUDING:

8 (I) AN ANNEXATION;

9 (II) A CHARTER AMENDMENT;

10 (III) THE REPEAL OF A MUNICIPAL CHARTER;

11 (IV) A CONSTANT YIELD TAX RATE HEARING;

12 (V) THE CREATION OR AMENDMENT OF A COMPREHENSIVE
13 PLAN;

14 (VI) THE CREATION OR AMENDMENT OF A ZONING
15 REGULATION; OR

16 (VII) THE DESIGNATION OF A HISTORIC SITE, STRUCTURE,
17 OR DISTRICT.

18 (B) A COUNTY OR MUNICIPALITY THAT CHOOSES TO BEGIN SATISFYING
19 A PUBLICATION REQUIREMENT BY POSTING LEGAL NOTICES ON THE INTERNET
20 SHALL:

21 (1) AT LEAST 1 MONTH BEFORE THE FIRST INTERNET POSTING,
22 PUBLISH A NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY
23 OR MUNICIPALITY TO:

24 (I) INFORM THE PUBLIC OF THE INTENT TO POST LEGAL
25 NOTICES ON ITS WEB SITE; AND

26 (II) SPECIFY WHICH TYPES OF LEGAL NOTICES WILL BE
27 POSTED ON ITS WEB SITE INSTEAD OF IN A NEWSPAPER OF GENERAL
28 CIRCULATION; AND

29 (2) ANNUALLY PUBLISH A NOTICE IN A NEWSPAPER OF GENERAL
30 CIRCULATION IN THE COUNTY OR MUNICIPALITY TO INFORM THE PUBLIC OF:

1 **(I) THE TYPES OF LEGAL NOTICES THAT ARE AVAILABLE**
2 **ON THE COUNTY'S OR MUNICIPALITY'S WEB SITE;**

3 **(II) THE ADDRESS OF THE COUNTY'S OR MUNICIPALITY'S**
4 **WEB SITE WHERE THE LEGAL NOTICES ARE POSTED; AND**

5 **(III) THE MAIL SUBSCRIPTION SERVICE DESCRIBED IN**
6 **SUBSECTION (C) OF THIS SECTION, INCLUDING INFORMATION ON HOW TO**
7 **REGISTER FOR AND RENEW THE SERVICE.**

8 **(C) (1) A COUNTY OR MUNICIPALITY THAT PUBLISHES SOME OR ALL**
9 **OF ITS LEGAL NOTICES ON ITS WEB SITE IN ACCORDANCE WITH THIS SECTION**
10 **SHALL OFFER A FREE MAIL SUBSCRIPTION SERVICE TO:**

11 **(I) A RESIDENT OF THE COUNTY OR MUNICIPALITY; AND**

12 **(II) A NEWSPAPER OF GENERAL CIRCULATION THAT**
13 **REGULARLY COVERS THE NEWS AND EVENTS OF THE COUNTY OR**
14 **MUNICIPALITY.**

15 **(2) THE MAIL SUBSCRIPTION SERVICE SHALL MAIL A PAPER COPY**
16 **OF ANY LEGAL NOTICES THE COUNTY OR MUNICIPALITY POSTS ON ITS WEB SITE**
17 **IN ACCORDANCE WITH THIS SECTION.**

18 **(3) THE MAIL SUBSCRIPTION SERVICE:**

19 **(I) SHALL BE PROVIDED FOR A PERIOD OF 1 YEAR; AND**

20 **(II) MAY BE RENEWED ANNUALLY BY A RESIDENT OR**
21 **NEWSPAPER DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.**

22 **(4) INFORMATION ON THE AVAILABILITY OF THE MAIL**
23 **SUBSCRIPTION SERVICE SHALL:**

24 **(I) INCLUDE REGISTRATION AND RENEWAL INFORMATION;**

25 **(II) BE DISPLAYED CONSPICUOUSLY AND BE EASILY**
26 **ACCESSIBLE TO THE GENERAL PUBLIC ON THE COUNTY'S OR MUNICIPALITY'S**
27 **WEB SITE; AND**

28 **(III) BE PRINTED IN THE ANNUAL NOTICE REQUIRED UNDER**
29 **SUBSECTION (B) OF THIS SECTION.**

1 **(D) A COUNTY OR MUNICIPALITY THAT PUBLISHES SOME OR ALL OF ITS**
2 **LEGAL NOTICES ON ITS WEB SITE IN ACCORDANCE WITH THIS SECTION SHALL:**

3 **(1) MAINTAIN PAPER COPIES OF THE LEGAL NOTICES UNDER THE**
4 **COUNTY'S OR MUNICIPALITY'S RECORDS RETENTION AND DOCUMENT DISPOSAL**
5 **SCHEDULE; AND**

6 **(2) MAKE THE COPIES AVAILABLE TO THE GENERAL PUBLIC IN**
7 **ACCORDANCE WITH THE MARYLAND PUBLIC INFORMATION ACT.**

8 **(E) (1) FOR A LEGAL NOTICE POSTED ON A COUNTY'S OR**
9 **MUNICIPALITY'S WEB SITE, THE COUNTY OR MUNICIPALITY SHALL MAINTAIN**
10 **AN AFFIDAVIT THAT STATES THE INITIAL DATE THROUGH THE LAST DATE THAT**
11 **A NOTICE WAS PUBLISHED ON THE COUNTY'S OR MUNICIPALITY'S WEB SITE.**

12 **(2) THE AFFIDAVIT REQUIRED UNDER PARAGRAPH (1) OF THIS**
13 **SUBSECTION IS NOT REQUIRED TO BE NOTARIZED.**

14 **Article – Tax – Property**

15 6–308.

16 (b) (2) A taxing authority does not meet the requirements of this section
17 until it provides to the Department:

18 (i) on or before 15 days after the date of the advertisement
19 required by this section a copy of the entire newspaper page that carried the meeting
20 notice required by this section; [or]

21 (ii) the evidence that the Department requires of the mailing of
22 the notices described in subsection (c) of this section; **OR**

23 **(III) BEFORE TO THE DATE OF POSTING, THE LINK TO THE**
24 **TAXING AUTHORITY'S WEB SITE WHERE THE NOTICE WILL BE POSTED IF THE**
25 **TAXING AUTHORITY ELECTS TO POST NOTICE IN ACCORDANCE WITH**
26 **SUBSECTION (C)(3) OF THIS SECTION.**

27 (c) If a taxing authority intends to set a county or municipal corporation real
28 property tax rate that exceeds the constant yield tax rate, it shall advertise to the
29 public by:

30 (1) placing an advertisement that satisfies the Department and meets
31 the requirements of this section in a newspaper of general circulation in the
32 jurisdiction of the taxing authority; [or]

1 (2) mailing a notice that meets the requirements of this section to each
2 property taxpayer who resides in the jurisdiction; **OR**

3 **(3) POSTING A NOTICE, THAT MEETS THE REQUIREMENTS OF**
4 **SUBSECTIONS (D)(2), (4), AND (5) AND (E) OF THIS SECTION, ON THE TAXING**
5 **AUTHORITY'S WEB SITE, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE**
6 **24, § 1-112 OF THE CODE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2011.